

REMARKS

This is in response to the Office Action that was mailed on February 17, 2004. Superfluous material is deleted from page 9 of the specification. The deletion of the sentence in question clarifies the meaning of the term "covered" in the present application. A minor formal amendment is made to claim 1. Claim 2 is amended to depend from claim 1. A minor formal amendment is made to claim 3. Claim 4 is amended to depend from claim 3. Claim 5 is amended to depend from only claim 2. Claim 6 is amended from only claim 1. New claim 7 corresponds to claim 6, but depends from claim 3. New claim 8 is based upon such disclosure as that appearing in the specification from line 16 on page 9 through line 11 on page 10. No new matter is introduced by this Amendment. Claims 1-8 are in the application.

Claims 2, 4, 5, and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by JP 2000-21386. Claims 2, 4, 5, and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by JP 2000-208708 (JP '708). Of the rejected claims, 2 and 4 were independent, and 5 and 6 depended therefrom. Formerly independent claims 2 and 4 have been amended to depend from claims 1 and 3, respectively, thereby obviating this ground of rejection.

Claims 1, 3, and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP '708 in vie of JP 2000-173564 (JP '564). The rejection is respectfully traversed.

JP '708 and JP '564 disclose batteries having a container made of laminated film, the laminated film being made up of metal foil and high polymer sheets with a TEP of at least 1%. In JP '708 and JP '564, the high polymer sheets may constitute the outermost layer of the battery containers. However, ***the battery container is made of the laminated film*** containing both the metal foil and the high polymer sheet.

In contrast, the battery of the present invention is characterized in that ***the outer peripheral surface of the batter container is covered with a further, ion impermeable and extensible high polymer sheet*** having a tensile elongation percentage of 1% or more. The Examiner's attention is respectfully directed to Figures 1 and 7 herein, in which reference numeral 7 designates the polymer covering. In Figure 1, reference numeral 6 designates the battery container. It can be seen in Figure 1 that polymer covering 7 envelopes battery container 6. Figure 7 corresponds to claim 3. In Figure 7, the outer peripheral surface of battery container 6 is covered with a polymer sheet 7 and also the outer periphery of the internal cell structure group is covered with another polymer sheet 7. Unlike in JP '708 and in JP '564, in this invention the battery container and the high polymer sheet are not laminated and united. This double covering

feature of the present invention is neither taught nor suggested by JP '708 or by JP '564, alone or in combination.

Moreover, the object of JP '708 and JP '564 is to prevent nails from piercing the battery container by using the laminated film having a high polymer sheet with a high TEP. In contrast, the object of the present invention is to prevent the battery from being brought into a high temperature/high pressure state in an accident by covering the battery **container** with the high polymer sheet. That is, if a nail pierces the battery of the present invention, the nail pushes the high polymer sheet to a position between the positive and negative electrodes of the battery container together with the nail, to prevent a high current from instantly flowing between the electrodes. Thus, the object of the present invention is quite different from that of JP '708 and JP '564.

Those of ordinary skill in the art would not derive the features of the present invention from the disclosures of JP '708 and JP '564, and accordingly, the rejection of record should be withdrawn.

For any questions, the Examiner is respectfully requested to telephone Richard Gallagher, Reg. No. 28,781, at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

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Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or
under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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